

# United States Bankruptcy Court

## Southern District of Mississippi

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### NEW AND AMENDED FEDERAL BANKRUPTCY FORMS *Effective December 1, 2011*

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#### **OFFICIAL FORMS:**

**Form B 1 (Voluntary Petition)** is amended to implement new Rule 1004.2 which requires a chapter 15 petition to state the country of the debtor's main interests.

**Forms B 9A through B 9I (Notice of Meeting of Creditors)** are amended to conform to Rule 2003(e) which requires the presiding official at an adjourned 341(a) meeting to file a statement specifying the date and time to which it is adjourned.

**Form B 10 (Proof of Claim)** is amended to clarify that writings supporting a claim, not just summaries, must be attached. The amended form includes a new section for reporting a uniform claim identifier which is used by some creditors and Chapter 13 trustee to facilitate electronic funds transfers. The signature box is revised to include a declaration under penalty of perjury by the person who completes the form.

**Form B 10 (Attachment A)** entitled "Mortgage Proof of Claim Attachment" is new and is to be filed with the Proof of Claim as required by new Rule 3001(c)(2). The form includes a statement of the principal and interest due as of the petition date, a statement of prepetition fees, expenses, and charges, and a statement of the amount necessary to cure a default as of the petition date.

**Form B 10 (Supplement 1)** entitled "Notice of Mortgage Payment Change" is new and is to be used by the holder of a home mortgage claim to provide the notice required by new Rule 3002.1(b) of any escrow account payment adjustment, interest payment change, and any other mortgage payment change while a Chapter 13 case is pending.

**Form B 10 (Supplement 2)** entitled "Notice of Postpetition Mortgage Fees, Expenses, and Charges" is new and is to be used by the holder of a home mortgage claim to provide notice required by new Rule 3002.1(c) of the amount, and date incurred, of any postpetition fees, expenses and charges incurred in connection with the claim.

**Form 25A (Plan of Reorganization in Small Business Case under Chapter 11)** is amended to change the effective date provision in the model small business plan to reflect the 2009 amendments that increased from 10 to 14 days the time to file a notice of appeal and the duration of the stay of a confirmation order.

**DIRECTOR'S PROCEDURAL FORM:**

**Form B 240 A/B ALT (Reaffirmation Agreement)** is amended (page 5) to conform to an amendment to 11 U.S.C. § 524(k)(3)(J) by the Bankruptcy Technical Corrections Act of 2010, Pub. L. 111-327. The frequently asked question, "What if your creditor has a security interest or lien?" is amended as follows:

Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the ~~security property~~ securing the lien if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you must make a single payment to the creditor equal to the ~~current value~~ amount of the ~~security property~~ allowed secured claim, as agreed by the parties or determined by the court.

Official Bankruptcy Forms are available for download from the US Court's website:  
<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>

Dated: November 7, 2011

Danny L. Miller, Clerk of Court